

No. 6144-5FR-70/32954.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules further to amend the Punjab Civil Services Rules, Volume I as are applicable to the Haryana Government employees namely:

1. These rules may be called the Punjab Civil Services Volume I (Haryana Eighth Amendment) Rules 1970.

In the Punjab Civil Services Rules, Volume I, Part I in Rule 4.4., Clause (b) after proviso, the following shall be inserted as Note :

"Note : In respect of a Government Servant serving in an ex-cadre post on identical time-scale of pay as the time scale of the parent cadre, service rendered in the ex-cadre post upto the 31st May, 1966 shall count for purposes of fixation of pay and increment to the extent admissible under proviso I (iii) as it existed immediately before 1st June, 1966, if the same is more advantageous to him."

G. V. GUPTA, Secy.

LABOUR DEPARTMENT

The 16th December 1970

No. 11516-I Lab-70/35634.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Sidana Engineering Works, N. I. T., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 5 of 1970.

between

SHRI RAM KUMAR WORKMAN AND THE MANAGEMENT OF M/s. SIDANA
ENGINEERING WORKS, N. I. T. FARIDABAD

Present.—

Shri H. L. Kapoor, for the workman

Shri H. R. Dua, for the management.

AWARD

I have heard the learned representatives of the parties and considered the facts of the case which may, briefly be stated as under :

Shri Ram Kumar was in the service of M/s. Sidana Engineering Works, N. I. T., Faridabad as a Turner. His services were terminated by the management with effect from 23rd April, 1970. This gave rise to an industrial dispute. The workman served the management with the demand notice asking for re-instatement with continuity of service, with full back wages, but without any effect. The Governor of Haryana, in exercise of the powers, conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute for adjudication to this Court, —vide Gazette Notification No. ID/FID/529/21922, dated 20th July, 1970.

"Whether the termination of services of Shri Ram Kumar was justified and in order. If not to what relief is he entitled?"

On receipt of the reference, usual notices were given to the parties. The workman has filed his statement reiterating his above claim. In the written statement filed on behalf of the management, however, the claim of the workman has been disputed on the sole ground that he had voluntarily resigned his post and received compensation in full and final settlement of his claim. It was considered necessary to examine the parties before the settlement of issues in the case. Statement of Shri Ram Kumar, workman and Shri Nand Parkash, partner of M/s Sidana Engineering Works, N. I. T., Faridabad have accordingly been recorded

Shri Nand Parkash has stated that Shri Ram Kumar submitted his resignation Ex. M. 1. on 27th March, 1970 with the request that the same be given effect from 10th April, 1970 and that it was duly accepted on 29th March, 1970. He has, further stated that Shri Ram Kumar received payment of Rs. 157 in full and final settlement of his claim, —vide receipt Ex. M. 2.

Shri Ram Kumar, workman while admitting his abovesaid resignation dated 27th March, 1970 Ex. M. 1 and the receipt of Rs. 157 by him in full and final settlement of his claim,—vide Ex. M. 2. has contended that the resignation was never accepted by the management.

I have carefully examined the resignation Ex. M. 1 and the receipt Ex. M. 2 which are signed by Shri Ram Kumar workman. The documents speak for themselves. There is an endorsement on the resignation showing the acceptance of the same on 29th March, 1970 as stated by Shri Nand Parkash. There is no allegation that the resignation was obtained from the workman or the payment of Rs. 157 in full and final settlement of his claim was made to him without his consent and free will.

It will not be out of place to consider here that according to the statement of Shri Nand Parkash, the workman Shri Ram Kumar had met with an accident while on duty in the factory on 8th April, 1970 and his left little finger had been cut. The necessary accident report was sent to the Factory Inspector who directed that the workman should not be relieved of his service consequent upon his resignation so long as he did not furnish the fitness certificate. The management fully complied with this direction. The fitness certificate Ex. M. 3 was produced by the workman himself on 22nd April, 1970 whereupon the letter Ex. M. 4 was sent to him on 25th April, 1970 intimating that his name had been struck off the rolls and he was free to get his dues from office on any working day. On receipt of this letter, he came to the office and received payment of Rs. 157 on 28th April, 1970,—vide Ex. M. 2, as already observed.

From the above, It would appear that the material facts are admitted on both sides and taking into consideration the pleadings of the parties their statements and the admitted documents referred to above, no issue arises for investigation and determination in the case. The workman having tendered his resignation of his own free will which was duly accepted by the management and he having further received the sum of Rs. 157 in full and final settlement of his claim, is not entitled to any other relief by way of re-instatement of back wages. I give my award accordingly. There shall be no order as to costs.

Dated 3rd November, 1970

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 999 dated Faridabad, the 9th November, 1970.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11517-I Lab-70/35641.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s The Sonapat National Coop. Transport Society Ltd., Sonapat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 4 of 1970

between

SHRI BIRBAL WORKMAN AND THE MANAGEMENT OF M/S THE SONEPAT NATIONAL COOP.
TRANSPORT SOCIETY LTD; SONEPAT

Present :—

Shri Birbal workman concerned with Shri S. N. Vats.

Nemo. for the management.

AWARD

Shri Birbal was in the service of M/s The Sonapat National Coop. Society Ltd., Sonapat as a Conductor. The management terminated his services on 21st August, 1969 allegedly without any show cause notice. This gave rise to an industrial dispute between the workman and the management concerned. He served the management with the demand notice but without any effect. Thereupon the Governor of Haryana was pleased to refer the following dispute for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide Gazette Notification No. ID/RK/167-A/70/21946, dated 20th July, 1970 :—

Whether the termination of services of Shri Birbal, Conductor was justified and in order? If not, to what relief is he entitled?

On receipt of the above reference, usual notices were given to the parties. The workman has filed his claim statement reiterating his above claim and asking for re-instatement in service with full back wages. The management has, however, chosen not to appear and contest the claim of the workman in spite of service. The case has, therefore, been proceeded with *ex parte* against the management.

In support of his claim, the workman has made his own statement on oath and prove the demand notice Ex. W.I. According to him he joined service with the aforesaid management as a conductor on 27th December, 1960 at Rs. 140 per mensem besides D.A. and trip allowance at Rs. 1.50 per day. He has further stated that he had all along been disposed his duties faithfully without ever giving any chance of complaint against his work or conduct, and that his services were terminated by the management on 20th August, 1969 without any justification.

I have heard the learned representative of the workman and considered the facts on record. The workman appears to be a truthful person and I see no reason to disbelieve his statement particularly when the management has elected not to appear and contest his claim in spite of due service.

In view of the above, the issue is found in favour of the workman and the termination of his services by the management is held to be without justification. In the result, he is entitled to re-instatement in service as Conductor with full back wages. I give my award accordingly. The workman is also entitled to Rs. 25 by way of costs against the management.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated the 3rd November, 1970.

No. 925, dated Faridabad, the 9th November, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11520-ILab-70/35646.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad, in respect of the dispute between the workman and the management of M/s Technological Institute of Textiles, Bhiwani:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 108 of 1970

between

SHRI GOPI RAM WORKMAN AND THE MANAGEMENT OF M/S TECHNOLOGICAL
INSTITUTE OF TEXTILES, BHIWANI

Present:

Shri Gopi Ram, workman, concerned.

Shri Nathu Mal Jain, for the management.

AWARD

I have heard the workman and the representative of the management and considered the facts of the case which may briefly be stated as under :—

Shri Gopi Ram was in the service of M/s Technological Institute of Textiles, Bhiwani. His services were terminated by the management which gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute for adjudication to the Labour Court, Faridabad presided over by Shri P. N. Thukral,—vide Gazette Notification No. 563-SF-III-Lab-67/52092, dated 6th December, 1967:—

Whether the termination of services of Shri Gopi Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the above reference usual notices were given to the parties who filed their respective statements. However, the decision of the case on merits was not called for as the parties had arrived at a compromise according to which the workman Shri Gopi Ram was entitled to be re-instated with continuity of service but without back wages. Accordingly an award was given in the case on 9th October, 1968 which was duly published in the State Gazette.

In the meanwhile, the appointment of Shri P. N. Thukral as Presiding Officer, Labour Court at Faridabad was held to be illegal by the High Court for the States of Punjab and Haryana,—vide its judgement dated 2nd September, 1969 in another case of M/s Cedore Tools (I) Ltd., Faridabad and the consequently stopped working as such with effect from the above date. This Court was constituted,—vide Notification No. 3864-ASO(E)/Lab-70, dated 8th May, 1970 and the Government was pleased sent for a list of all the pending references in the Labour Court presided over by Shri P. N. Thukral which were sought to be transferred to this Court for early disposal and by mistake the above reference was also included in the list submitted to the Government.

The Governor of Haryana has been further pleased to refer the same dispute again for adjudication to this Court,—vide Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970.

On receipt of the reference, notices were given to the parties and they have appeared. It has been urged on behalf of the management that there is no industrial dispute in existence. In view of the above settlement already arrived at between the parties and Shri Gopi Ram workman having re-instated with continuity of service in terms of the settlement dated 9th October, 1968, without any right of back wages, is not entitled to any further relief in the case. Shri Gopi Ram admits this fact. His statement has been recorded.

In the circumstances, no further investigation is necessary in the case and I give a no dispute award. The present reference shall, in the result, stand rejected, No order as to costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated the 3rd November, 1970.

No. 1081, dated Faridabad, the 9th November, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11515-I-Lab-70/35648.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Pataudi Hali Mandi Coop. Marketing Society Ltd., Hali Mandi, District Gurgaon.

BEFORE SHRI O. P. SHARMA, [PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 17 of 1970

between

SHRI RAJINDER DEV SINGH, WORKMAN AND THE MANAGEMENT OF M/S PATAUDI
HALI MANDI COOP. MARKETING SOCIETY LTD., HALI MANDI, DISTRICT GURGAON.

Present :

Shri C. B. Kaushik, for the workman

Nemo, for the management.

AWARD

Shri Rajinder Dev Singh was in the employment of M/s Pataudi Hali Mandi Coop. Marketing Society Ltd., Hali Mandi, District Gurgaon as an Accountant. His services were terminated by the Society on 18th February, 1970 allegedly without any notice. This gave rise to an Industrial dispute. He served the Society with demand notice asking for re-instatement with continuity of service and full back wages but without any effect. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute for adjudication to this Court,—vide Gazette Notification No. ID/FD/516, dated 30th July, 1970 :—

Whether the termination of services of Shri Rajinder Dev Singh was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the above reference, usual notices were given to the parties. The workman has appeared along with his duly authorised representative Shri C. B. Kaushik and put in his statement reiterating his above claim. None has, however, appeared on behalf of the Society in spite of due service. The case has, therefore, been proceeded with *ex parte* against the Society.

Shri Rajinder Dev Singh workman has made his own statement on oath in detail. According to him he was appointed as an Accountant by the said Society at Rs. 200 per mensem on 16th April, 1969 but his services were terminated without any notice or charge sheet into his work or conduct and without any domestic enquiry on 18th February, 1970. He has further stated that some persons connected with the management of the Society were indulging in misappropriation of the funds and materials of the Society and they were unhappy with him as he had refused to maintain false record in accordance with their wishes. From his statement, it further appears that similar action had been taken by the management against certain other employees of the Society also and they have sought redress of their grievances by raising industrial disputes.

I have given my best consideration to the facts on record, the workman appears to be a truthful person and I see no reason to disbelieve his above statement especially when the management concerned has not come forward to contest his claim in spite of due service.

In view of the above, the termination of services of the workman Shri Rajinder Dev Singh, can not be held to be justified and in order and in the result, he is entitled to re-instatement with continuity of service and full back wages. I find the matter in issue in favour of the workman and give my award accordingly. He is also entitled to Rs. 25 as costs.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated the 9th November, 1970.

No. 997, dated Faridabad, the 9th November, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes, Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Faridabad.